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E. MAIL: badler1@houston.rr.comINTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)**FACSIMILE TRANSMITTAL SHEET**

TO:	FROM:
Examiner: Susan Ungar	Benjamin Aaron Adler, Ph.D., J.D
COMPANY:	DATE:
US PTO, Art unit 1642	9/15/03
FAX NUMBER:	TOTAL NO. OF PAGES:
(703) 308-4315	4 (including cover)
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	D6415
RE:	YOUR REFERENCE NUMBER:
Response to Restriction Requirement	09/967,263

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☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE**Comments:**

Please deliver the attached to Examiner Ungar

A Response to Restriction Requirement mailed August 22, 2003 (for 09/967,263 (D6415; O'Brien et al.) If you have any questions after reviewing these papers, please call me at PHONE: 713/270-5391, FAX: 713/270-5361. Thank you.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: O'Brien et al
FILED: September 28, 2001
SERIAL NO.: 09/967,263
FOR: Treatment of Uterine Papillary Cancer

§ ART UNIT: 1642
§
§ EXAMINER:
§ Ungar, S.
§
§ CONFIRMATION NO.
§ 5220
§
§ DOCKET: D6415

Mail Stop NON-FEE AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450


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I hereby certify that this correspondence is being transmitted via facsimile to S. Ungar, Ph.D. of the U.S. Patent Office at 703-308-4315 on the date indicated below:

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Date:

Sep 15, 2003


Benjamin Aaron Adler, Ph.D., J.D.
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APPLICANT: O'Brien et al

§ ART UNIT: 1642

FILED: September 28, 2001

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RESPONSE TO RESTRICTION REQUIREMENT

Dear Madam:

In response to the Restriction Requirement mailed August 22, 2003 for the above-referenced application, Applicants hereby elect Group 1, claims 1-5, with traverse.

Applicants acknowledge that Groups 3 and 4 of claim 10, which is drawn to a method of differentiating primary uterine serous papillary carcinoma from serous papillary ovarian tumors comprising measuring expression of HER-2/neu mRNA and protein, respectively, belong to different classes with Group 1 of claims 1-5. However, Group 2 of claims 1, 6-9, and 11-18, which are drawn to a method of treating uterine serous papillary carcinoma comprising

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administering HER-2/neu antibody and interleukin-2, is very similar to the subject matter of Group 1 as both relate to treating uterine serous papillary carcinoma by administering HER-2/neu antibody, either alone or with combination.

Therefore, a search of the subject matter of Group 2 would not be an undue burden on the Examiner. A search for prior art disclosing the treatment of uterine serous papillary carcinoma by administering HER-2/neu antibody would necessarily reveal any prior art relating to administering the HER-2/neu antibody in combination interleukin-2 or other. Applicants respectfully submit that no undue burden would impose on the Examiner. In view of the above arguments, Applicants respectfully request that Group 2, claims 1, 6-9, 11-18, be joined with Group 1, claims 1-5, for the purpose of examination.

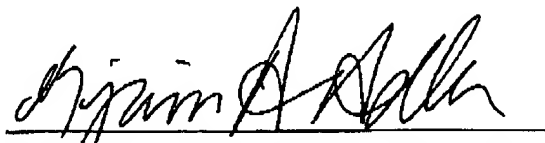
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Respectfully submitted,

SEP 15 2003

Date:

Sep 15, 2003


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